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Report of the Secretary-General on Khmer Rouge trials

Addendum

1. At the time of issuance of the Secretary-General's report of 12 October 2004 on the Khmer Rouge trials (A/59/432), it was indicated that the National Assembly and the Senate had approved the Agreement between the Royal Government of Cambodia and the United Nations, together with amendments to the Cambodian Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea ("the Law") aimed at bringing that Law into conformity with the Agreement. Certain further steps still remained to be taken, in accordance with the relevant provisions of Cambodian law, before the Agreement could be ratified by Cambodia.

2. By a letter dated 2 November 2004, the Permanent Mission of the Kingdom of Cambodia to the United Nations has now provided the Organization with an original copy of an Instrument of Ratification of the Agreement between the United Nations and the Royal Government of Cambodia, done on 19 October 2004.

3. It will be recalled that the General Assembly approved the draft Agreement in its resolution 57/228 B of 13 May 2003.

4. Article 32 of the Agreement provides that, following its approval by the General Assembly and its ratification by Cambodia, the Agreement will enter into force once both parties have notified each other in writing that the legal requirements for entry into force have been complied with.

5. On 16 November 2004, the Government of Cambodia provided the United Nations with its notification under article 32. The United Nations has yet to provide the Government of Cambodia with its notification under that article. When the United Nations will provide such notification is dependent on the factors indicated in paragraph 14 (b) of my aforementioned report (A/59/432).

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6. As stated in that paragraph, the process of setting up the Extraordinary Chambers can only be initiated once sufficient money is in place to fund their staffing and operations for a sustained period of time. I would consider that condition to have been met when pledges for the full three years of the Extraordinary Chambers' operations as well as actual contributions for its first year of operations have been received. That notwithstanding, the Secretariat is continuing with its preparations for full implementation and will keep Member States informed of progress achieved.